

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

APR 17 2023

Michael Magness, Petitioner

)

v.

)

Luke Pettigrew, Respondent

)

BONNIE HACKLER
Clerk, U.S. District Court

By _____ Deputy Clerk

Case No: CIV-22-376-JFH-KEW

**REQUEST FOR LEAVE TO AMEND PETITIONER'S
MOTION FOR DISCOVERY**

Petitioner, Michael Magness, Pro Se, asks this Court for permission to amend the previous MOTION FOR DISCOVERY to add two additional documents for the below reasons. If the above Motion is ruled on before the Court receives this Request, Petitioner would ask it be considered as a Second Motion for Discovery.

Petitioner asks Respondent for a copy of the below documents in order to properly Reply to the Respondent's RESPONSE IN OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS [Doc 9]. Petitioner does not currently have access to these documents and requires such access in order to provide a diligent Reply.

Petitioner shows the following:

1) In Respondent's RESPONSE IN OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS [Doc 9] they claim to have possession of the below documents:

a. Transcript of Petitioner's Preliminary Hearing

b. Transcript of the Hearing on Petitioner's Motion to Sever and Motion in Limine.

2) As Petitioner's Grounds Two and Four explicitly deal with information found within these documents the Petitioner requires access to Reply with accuracy. (*Harris v Nelson*, 394 U.S. @ 301)

3) Petitioner has previously made a Motion for Discovery and did not include these documents because he was previously under the impression these documents did not exist due to the State's claims during the Direct Appeal proceedings that said documents could not be found and were presumed lost.

The ability to grant this Motion is certainly within the powers of this Court. For the reasons above, Petitioner believes this request to be reasonable/justified, and asks that an Order be granted.

Respectfully Submitted,

Michael Magness
Michael Magness, 768965
JHCC, C-1-213
PO Box 548
Lexington, OK 73051

4/13/23
Date

VERIFICATION

State of Oklahoma,)
) ss.
County of Cleveland)

I, Michael Magness, do swear, by penalty of perjury, that I have read the foregoing REQUEST FOR LEAVE TO AMEND PETITIONER'S MOTION FOR DISCOVERY in, Case No. CIV-22-376-JFH-KEW, and that the statements therein are true to the best of my knowledge and belief.

Michael Magness
Michael Magness
Petitioner, Pro Se

4/13/23
Date

CERTIFICATE OF MAILING

I, Michael Magness, do hereby affirm that on 4/13/23 a complete copy of the REQUEST FOR LEAVE TO AMEND PETITIONER'S MOTION FOR DISCOVERY in, Case No. CIV-22-376-JFH-KEW, was delivered to the Joseph Harp Correctional Center's Law Library, preaddressed and postage prepaid, to be mailed to the address below:

Office of Attorney General
State of Oklahoma
313 N.E. 21
Oklahoma City, OK 73105

United States Eastern District
Court Clerk's Office
PO Box 607
Muskogee, OK 74402

Michael Magness
Michael Magness, 765965
JHCC, C-1-213
PO Box 548
Lexington, OK 73051

4/13/23
Date